

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4870 OF 2023

**SUBHASH MANIKRAO KALE AND ANOTHER
VERSUS
SUB DIVISIONAL ENGINEER AND OTHERS**

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Advocate for Petitioners : Mr. S.D. Hiwrekar
Advocate for Respondent No.3 : Mrs. L.R. Thakur, Advocate h/f
Ms. Savita Solunke

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 27th JUNE, 2023

PER COURT :

1. Heard.
2. The petitioners are aggrieved by rejection of their interim injunction application by the Trial Court. Petitioners unsuccessfully challenged the said order by filing Misc. civil application in the District Court.
3. Considering the peculiar facts of the present case, this Court is of the considered view that the petitioners are entitled to claim compensation in accordance with law, if they are able to prove before Trial Court that the land on which Zilla Parishad is constructing drain water channel is owned by them and they have not encroached on the public property. Both the Courts have recorded concurrent finding of facts and by passing reasoned orders

rejected the relief to petitioners. In that view of the matter, this Court is not inclined to entertain the present petition.

4. At this stage, learned advocate for petitioners seeks permission to withdraw the writ petition. Permission granted. Writ petition is disposed of as withdrawn.

(NITIN B. SURYAWANSHI, J.)